

U.S. Application Serial No.: 08/102,390
Second Communication Regarding Status of Application

EXHIBIT E

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CELL GENESYS, INC.,
Plaintiff,

v.

APPLIED RESEARCH SYSTEMS ARS
HOLDING, N.Y.,
Defendant.

APPLIED RESEARCH SYSTEMS ARS
HOLDING, N.V.,
Plaintiff,

v.

CELL GENESYS, INC. AND
TRANSKARYOTIC THERAPIES,
INC.,
Defendants.

C.A. No. 05-12448-MLW

C.A. No. 04-11810-MLW

ORDER

WOLF, D.J.

December 22, 2005

It is hereby ORDERED that:

1. Cell Genesys, Inc. v. Applied Research Systems, 05-12448-RWZ, was transferred to the District of Massachusetts to be consolidated with the related action pending before this court, Applied Research Systems ARS Holding, N.V. v. Cell Genesys, Inc. and Transkaryotic Therapies, Inc., 04-11810-MLW. However, it was mistakenly assigned to Judge Rya Zobel. Accordingly, it is hereby REASSIGNED to this court. See Rule 40.1(G)(5) of the Local Rules of the United States District Court for the District of Massachusetts.

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2. Counsel in the above-captioned cases shall, by January 9, 2006, confer and submit a report, jointly if possible, describing: the status of discovery; any pending motions and, briefly, the parties' respective positions concerning them; and a proposed schedule to complete discovery concerning the challenge to the "114 Interference" proceeding.

3. A conference and, if necessary, hearing will be held on January 18, 2005 at 2:00 p.m., or sooner if the court's schedule permits.

/s/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE